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DENIED
BY ORDER OF THE COURT

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Attorneys for Plaintiff
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHALE JOHN AVENATTI,

Defendant.

SA CR No. 19-061-JVS

[PROPOSED] ORDER CONTINUING TRIAL
DATE AND FINDINGS REGARDING
EXCLUDABLE TIME PERIODS PURSUANT
TO SPEEDY TRIAL ACT

[PROPOSED] TRIAL DATE:
October 29, 2019, at 8:30 a.m.

[PROPOSED] PRETRIAL CONFERENCE:
October 14, 2019, at 9:00 a.m.

The Court has read and considered the Stipulation Regarding Request for (1) Continuance of Trial Date and (2) Findings of Excludable Time Periods Pursuant to Speedy Trial Act, filed by the parties in this matter. The Court hereby finds that the Stipulation, which this Court incorporates by reference into this Order,

1 demonstrates facts that support a continuance of the trial date in
2 this matter, and provides good cause for a finding of excludable time
3 pursuant to the Speedy Trial Act, 18 U.S.C. § 3161.

4 The Court further finds that: (i) the ends of justice served by
5 the continuance outweigh the best interest of the public and
6 defendant in a speedy trial; (ii) failure to grant the continuance
7 would be likely to make a continuation of the proceeding impossible,
8 or result in a miscarriage of justice; and (iii) failure to grant the
9 continuance would unreasonably deny defendant continuity of counsel
10 and would deny defense counsel the reasonable time necessary for
11 effective preparation, taking into account the exercise of due
12 diligence.

13 THEREFORE, FOR GOOD CAUSE SHOWN:

14 1. The trial in this matter is continued from August 27, 2019,
15 to October 29, 2019, at 8:30 a.m. The pretrial status conference
16 hearing is continued from August 12, 2019, to October 14, 2019, at
17 9:00 a.m.

18 2. The time period of August 27, 2019, to October 29, 2019,
19 inclusive, is excluded in computing the time within which the trial
20 must commence, pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i),
21 and (B)(iv).

22 3. Defendant shall appear in Courtroom 10C of the Ronald
23 Reagan Federal Building and U.S. Courthouse, 411 West Fourth Street,
24 Santa Ana, California on October 14, 2019, at 9:00 a.m., and on
25 October 29, 2019, at 8:30 a.m.

26 4. Nothing in this Order shall preclude a finding that other
27 provisions of the Speedy Trial Act dictate that additional time
28 periods are excluded from the period within which trial must

1 commence. Moreover, the same provisions and/or other provisions of
2 the Speedy Trial Act may in the future authorize the exclusion of
3 additional time periods from the period within which trial must
4 commence.

5 IT IS SO ORDERED.

DENIED
BY ORDER OF THE COURT

7 _____
8 DATE

HONORABLE JAMES V. SELNA
UNITED STATES DISTRICT JUDGE

10
11 The Court declines to temporize further. The parties should be
12 prepared to discuss a firm trial date at the August 26, 2019 hearing.
13 The Status Conference set for August 12, 2019 is continued to August
14 26, 2019 at 8:30 a.m. JVS August 08, 2019
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